

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

United States of America,

Case No. 3:17-cr-55

Plaintiff,

v.

ORDER

Keith Chisholm,

Defendant.

Defendant Keith Chisholm who currently is under the supervision of the Residential Reentry Management Field Office located in Cincinnati, Ohio (“RRM Cincinnati”), seeks an order granting him compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A). (Doc. No. 810). Section 3582(c)(1)(A) mandates that a defendant seeking modification of his sentence must first fully exhaust all administrative remedies or wait at least 30 days after submitting a request for release to the warden before filing a motion for modification. 18 U.S.C. § 3582(c)(1)(A). Defendant has not complied with the exhaustion requirement, which applies to “federal inmates who are serving the remainder of their sentences in a residential reentry program” just as it does to inmates held at a BOP facility. *United States v. Lane*, No. 214CR000811JRGCRW, 2021 WL 5239132, at *2 (E.D. Tenn. Nov. 10, 2021) (citing cases).

This requirement is mandatory and not subject to waiver. *United States v. Alam*, 960 F.3d 831, 836 (6th Cir. 2020) (dismissing defendant’s untimely motion because defendant filed “before waiting out a statutorily required non-adversarial window”). In these circumstances, I must dismiss

Defendant's motion without prejudice. *Id.* Defendant may refile his motion once he has complied with § 3582(c)(1)(A)'s exhaustion requirement.

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge